

STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

BRENDA STRAIT, as Personal  
Representative of the Estate of Danny  
Whitney, Deceased,

Plaintiff,

v.

Case No.: 1:14-cv-00630  
Hon. Paul L. Maloney  
Mag.

COUNTY OF GRAND TRAVERSE, et al.,

Defendants.

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**AFFIDAVIT OF MERITORIOUS DEFENSE BY JOHN BONEMA, M.D.**  
**ON BEHALF OF DEFENDANTS, WILFRED P. SALDANHA, M.D.,**  
**CORRECTIONAL HEALTHCARE COMPANIES, INC. AND HEALTH**  
**PROFESSIONALS, LTD., P.C.**

I, John Bonema, M.D., being first duly sworn, state and depose as follows:

1. I am a licensed physician who is board certified in the medical specialty of Internal Medicine, and I was in practice and board certified during the relevant time period in the above captioned matter.

2. In preparation of this affidavit, I reviewed Plaintiff's Notice of Intent dated 12/26/2013, Plaintiff's Complaint filed 06/11/2014, the Affidavit of Merit by Neil J. Farber, M.D., the Affidavit of Merit by Tana Flaughner, LPN, and all records supplied to me by Defendants' counsel at Foley, Baron, Metzger & Juip, PLLC, including those from Grand Traverse County Jail, the Autopsy Report, and Toxicology report concerning Danny Whitney. I do not agree with the statements made in the Affidavit by Dr. Farber.

3. As further basis for my opinions as to the meritorious defense of Defendants, I rely on my knowledge of the applicable medical standard of care, education, training, and clinical/professional experience as a licensed Medical Doctor who is Board Certified in the medical specialty of Internal Medicine.

4. It is my understanding from the review of records in this case that Danny Whitney was a 21-year-old male with a history of illicit drug used and recent incarcerations at Grand Traverse County Jail when he was detained on a parole violation on 03/02/2013.

5. It is further my understanding from review of the records that at the time of intake, Mr. Whitney reported to numerous persons, including but not limited to jail nursing staff, that earlier in the day he had taken one (1) Xanax tablet and four (4) Methadone tablets. An intake examination, included but was not limited to observation of his vitals, was completed by nursing staff. Nursing staff observed Mr. Whitney was alert and oriented x3. He had slurred speech and an unsteady gait but was able to walk

and stand. Nursing staff further observed Mr. Whitney appeared groggy but able to maintain a conversation and able to follow commands. Mr. Whitney was housed in a medical observation cell and Nursing staff planned to continue to monitor.

6. It is further my understanding that at the time of the incidents in question, Dr. Saldanha was the jail physician at Grand Traverse County Jail. He was not present at the jail since the incident occurred after hours and Dr. Saldanha was out of town and available only by telephone.

7. It is my understanding that during the evening of 03/02/2013 Dr. Saldanha contacted the jail nurse and he was informed about Mr. Whitney, including but not limited to information about his vitals, certain observations by nursing staff, that he had taken 4 Methadone tablets and 1 Xanax tablet, that he was housed in a medical observation cell, and that he was presently sleeping. Based on the information conveyed to Dr. Saldanha, he instructed nursing staff to continue to house Mr. Whitney in a medical observation cell. He received no further contact from nursing staff concerning Mr. Whitney.

8. This Affidavit of Meritorious Defense is intended to apply to the allegations against Defendants Wilfred P. Saldanha, M.D., Correctional Healthcare Companies, Inc., and Health Professionals, Ltd, P.C.

9. The medical standard of care as it relates to Dr. Saldanha or any physician who is Board Certified in Internal Medicine (and Correctional Healthcare Companies, Inc. and/or Health Professionals, Ltd, P.C., alleged to be vicariously liable) is to exercise the same degree of skill exercised by other physicians who are Board Certified in the same medical specialty under the same or similar circumstances.



10. It is my expert opinion that under the circumstances as outlined above and as indicated in the medical records reviewed, that the applicable medical standard of care was met by Dr. Saldanha, since his evaluation and treatment of Danny Whitney, and/or his review of any examination, evaluation and treatment of Danny Whitney, was appropriate and within the medical standard of care for a Medical Doctor who is Board Certified in Internal Medicine.

11. In my expert opinion, the injuries set forth in Plaintiff's Complaint were not proximately caused by the alleged negligent acts and/or omissions of the Defendants, including Dr. Saldanha, given that the medical care he provided to Danny Whitney was appropriate and within the medical standard of care applicable to a Medical Doctor who is Board Certified in Internal Medicine.

12. The opinions expressed in this Affidavit are based on my experience, training and knowledge of the subject, and review of the materials identified herein. The opinions are subject to modification based upon additional information that may become known or available at some future date.

Affiant reserves the right to add or amend his opinions based on discovery of additional documents and/or information including but not limited to other medical records and deposition transcripts.

Further, affiant sayeth not.

  
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JOHN BONEMA, M.D.

Subscribed and sworn to before me,

On the 19<sup>th</sup> day of August, 2014.

  
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\_\_\_\_\_, Notary Public

\_\_\_\_\_, County, Michigan

Acting in \_\_\_\_\_ County, Michigan

My Commission Expires: \_\_\_\_\_



**KAREN ALSTEAD**  
Notary Public, State of Michigan  
Qualified in Oakland County, MI  
My Commission Expires: Nov. 2, 2017